

Admission and Discipline Rules

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Rule 28. Mandatory Continuing Judicial Education

SECTION 1. PURPOSE.

It is essential to the public that Judges continue their education in order to maintain and increase their professional competence, to fulfill their obligations under the Indiana Code of Judicial Conduct, and to ensure the delivery of quality judicial services to the people of the State of Indiana. The purpose of this Rule is to establish minimum continuing judicial education requirements for each Judge in the State of Indiana.

SECTION 2. DEFINITIONS.

As used in this Rule:

- (a) *Approved Courses* shall mean those Substantive Continuing Judicial and Legal Education Courses and those Non Legal Subject Matter Courses which are approved under the Commission's Accreditation Policies in the Guidelines to this Rule. Any course approved for continuing legal education credit under the Commission's Accreditation Policies is also approved for continuing judicial education credit.
- (b) *Attorney* shall mean a person who has been admitted to practice law in the State of Indiana and whose name appears in the files of the Board of Law Examiners as provided under Admission and Discipline Rule 4.
- (c) *Bar* shall mean the Indiana Bar and includes those persons who are Attorneys under subsection (b) above.
- (d) *Business Day* shall mean Monday, Tuesday, Wednesday, Thursday, and Friday of each week but shall not include Federal or Indiana state holidays.
- (e) *Clerk* shall mean Clerk of the Indiana Supreme Court, Court of Appeals and Tax Court.
- (f) *Commission* shall mean the Indiana Commission For Continuing Legal Education created by Section 4 of Rule 29.
- (g) *Commissioner* shall mean a person who is a member of the Commission.
- (h) *Educational Period* shall mean a three-year period during which a Senior Judge, City or Town Court Judge, Marion County Small Claims Court Judge, or a part-time Court Commissioner or Referee must complete thirty-six (36) hours of Approved Courses. Educational Periods shall be sequential, in that once a particular three-year period terminates, a new three-year period and thirty-six (36) hour minimum shall commence.
- (i) *Full-time Court Commissioner or Referee* shall mean an attorney serving as a court commissioner or referee in a circuit, superior or probate court and who does not practice law regardless of the number of hours worked per week for the court.
- (j) *Judge* shall mean a regularly sitting Justice of the Indiana Supreme Court, Judge of the Indiana Court of Appeals or Tax Court, Judge of an Indiana circuit, superior or probate court, Magistrate, court commissioner or referee of any such court, Judge of an Indiana city or town court including non-attorney ~~judges~~Judges, and Senior Judge certified by the Indiana Supreme Court Division of State Court Administration. The term Judge does not include state or federal administrative law judges. State and federal administrative law ~~judges~~Judges are governed by the provisions of Admission and Discipline Rule 29.
- (k) *Judicial Officer Educational Period* shall mean a three-year period during which a State Level Judicial Officer (as defined below) must complete fifty-four (54) hours of Approved Courses. Judicial Officer Education Periods shall be sequential in that once a

particular three-year period terminates, a new three-year period and fifty-four (54) hour minimum shall commence.

- (l) Non-attorney Judge shall mean a person who has been elected or appointed to serve as the ~~judge~~ Judge of a city or town court and who is not required by statute to be a licensed attorney to hold the office of city or town court ~~judge~~ Judge.
- (m) Non Legal Subject Matter (NLS) Courses shall mean courses that the Commission approves for Non Legal Subject Matter credit pursuant to the Commission's Accreditation Policies in the Guidelines to this Rule because, even though they lack substantive judicial or legal content, they nonetheless enhance an attendee's proficiency in the management or administration of a court.
- (n) Part-time Court Commissioner or Referee shall mean an attorney serving as a court commissioner or referee in a circuit, superior or probate court and who continues to practice law regardless of the number of hours worked per week for the court.
- (o) State Level Judicial Officer shall mean a sitting Justice of the Indiana Supreme Court, Judge of the Indiana Court of Appeals or Tax Court, Judge of a circuit, superior or probate court, magistrate, and a full-time court commissioner or referee of a circuit, superior or probate court.
- (p) Substantive Continuing Judicial and Legal Education Courses shall mean courses that the Commission approves for credit pursuant to the Commission's Accreditation Policies in the Guidelines to this Rule because the course pertains to subject matter having significant intellectual or practical content relating to the administration of justice, the adjudication of cases, the management of cases or court operations by the judicial officer or to the education of judicial officers with respect to their professional or ethical obligations.
- (q) Supreme Court shall mean the Supreme Court of the State of Indiana.
- (r) Year shall mean calendar year unless otherwise specified in this Rule.
- (s) Professional Responsibility Credits shall mean credits for topics that specifically address judicial ethics or professional responsibility. Any course that is approved for ethics or professional responsibility under the Commission's accreditation policies is also approved for judicial ethics credit.
- (t) Distance Education shall mean instructional delivery that does not constrain the student to be physically present in the same location as the instructor and does not require an attendant at the learning site to monitor attendance.
- (u) New Judge Orientation Program shall mean the General Jurisdiction Orientation Program conducted by the Indiana Judicial Center.

SECTION 3. EDUCATION REQUIREMENTS.

- (a) Every State Level Judicial Officer shall complete no less than fifteen (15) hours of Approved Courses each year and shall complete no less than fifty-four (54) hours of Approved Courses each Judicial Officer Educational Period as defined in Section 2(k). At least five (5) hours of Approved Courses in Professional Responsibility, either as a free standing program or integrated as part of a substantive program, shall be included within the hours of continuing education required during each three (3) year Judicial Officer Educational Period. No more than eighteen (18) hours of the Judicial Officer Educational Period requirement shall be filled by Non Legal Subject Matter Courses. No more than nine (9) hours of the Judicial Officer Educational Period requirement shall be filled through interactive Distance Education. All credits for a single educational activity will be applied in one (1) calendar year.
- (b) Any judge not covered by (a) shall complete no less than six (6) hours of Approved Courses each year and shall complete no less than thirty-six (36) hours of Approved Courses each Educational Period as defined in Section 2(h). At least three (3) hours of

Approved Courses in Professional Responsibility, either as a free standing program or integrated as part of a substantive program, shall be included within the hours of continuing education required during each three (3) year Educational Period. No more than twelve (12) hours of the Educational Period requirement shall be filled by Non Legal Subject Matter Courses. No more than six (6) hours of the Educational Period requirement shall be filled through interactive Distance Education. No more than three (3) hours of the Educational Period Requirement shall be filled through in-house education programs in accordance with the Guidelines. All credits for a single educational activity will be applied in one (1) calendar year.

- (c) Every Judge of a circuit, superior or probate court first elected or appointed to the bench after January 1, 2006 shall attend the next regularly scheduled New Judge Orientation Program following the date of the ~~judge's~~ Judge's election or appointment unless the Chief Justice of Indiana, for good cause shown in a written request, excuses attendance.
- (d) For all current sitting State Level Judicial Officers, their existing three-year Continuing Legal Education cycle under Rule 29 terminates as of December 31, 2010. A State Level Judicial Officer's first three (3) year Judicial Officer Educational Period as defined in Section 2(k) of this Rule shall commence on January 1, 2011 with no carry-over hours.
- (e) An Attorney serving as a Senior Judge, City or Town Court Judge, Marion County Small Claims Court Judge or a part-time Court Commissioner or Referee shall remain in their current three (3) year cycle established under Section 3(b) of Rule 29. For Non-attorney Judges, the first three year Educational Period shall commence on January 1 of the first full calendar year in office.
- (f) In the event an Attorney becomes a State Level Judicial Officer during a three (3) year Educational Period as defined in Section 2(h) of Rule 29, the State Level Judicial Officer must complete the year of appointment with the same requirements as those of an Attorney under Rule 29. Thereafter, a State Level Judicial Officer's Educational Period shall commence January 1 of the first full calendar year in office.
- (g) In the event a State Level Judicial Officer ceases to be such an officer within a State Level Judicial Officer Educational Period, the former officer must complete the year and three (3) year Educational Period with the same requirements as those of an Attorney as required by Rule 29 or those of a Senior Judge under Section 3(b) of this Rule if senior judge status is obtained. Hours earned during the State Level Judicial Officer Educational Period will be converted to CLE hours for the remainder of the three year Educational Period.
- (h) Educational seminars or programs conducted by the Indiana Judicial Center shall be approved for Substantive Continuing Judicial and Legal Education credit.
- (i) A Judge who fails to comply with the educational requirements of this rule shall be subject to suspension from office and to all sanctions under Section 7. A Judge so suspended shall be automatically reinstated upon compliance with Section 7(b) "Reinstatement Procedures". The Commission shall issue a statement reflecting reinstatement which shall also be sent to the Clerk to show on the Roll of Attorneys that the Judge is in good standing.
- (j) For an attorney newly admitted to the bar, at least six (6) hours of the educational requirements of Sections (a) or (b) above shall be satisfied by attending an applied professionalism program that has been accredited by the Commission.

SECTION 4. POWERS AND DUTIES OF THE INDIANA COMMISSION FOR CONTINUING LEGAL EDUCATION AND EXECUTIVE DIRECTOR.

The powers and duties of the Indiana Commission for Continuing Legal Education and its Executive Director under this Rule shall be the same as under Sections 6 and 7 of Rule 29.

SECTION 5. EXEMPTIONS AND OTHER RELIEF FROM THE RULE.

- (a) United States Supreme Court Justices, United States Court of Appeals Judges, United States District Court Judges and full-time Magistrates, and United States Bankruptcy Court Judges are exempt from this Rule and Rule 29 on Mandatory Continuing Legal Education. The educational requirements imposed on such ~~judges-Judges~~ and full-time magistrates by federal rules are deemed to satisfy the requirements of this Rule and Rule 29.
- (b) A Judge shall be exempted from the educational requirements of the Rule for such period of time as shall be deemed reasonable by the Commission upon the filing of a verified petition with the Commission and a finding by the Commission that special circumstances unique to the petitioning Judge have created undue hardship. Subsequent exemptions may be granted.
- (c) A Judge who is physically impaired shall be entitled to establish an alternative method of completing the educational requirements of this Rule upon the filing of a verified petition with the Commission and a finding by the Commission that the alternative method proposed is necessary and consistent with the educational intent of this Rule. Any petition filed under this subsection shall contain a description of the physical impairment, a statement from a physician as to the nature and duration of the impairment, a waiver of any privileged information as to the impairment and a detailed proposal for an alternative educational method.
- (d) A Judge who believes that he or she will be unable to make timely compliance with the educational requirements imposed by this Rule may seek relief from a specific compliance date by filing a verified petition with the Commission. The petition shall set forth reasons from which the Commission can determine whether to extend such compliance date. A petition seeking such an extension of time must be filed as much in advance of the applicable compliance date as the reasons which form the basis of the request afford. The Commission, upon receipt and consideration of such petition, shall decide if sufficient reasons exist, and may grant an extension for such period of time as shall be deemed reasonable by the Commission. In no event shall such an extension be granted beyond the time when the next compliance date, as required by the Rule, occurs.

SECTION 6. ANNUAL REPORTING TO JUDGES.

- (a) On or before September 1 of each year, the Commission shall mail or electronically transmit to each Judge, a statement showing the Approved Courses which the Judge is credited on the records of the Commission with having attended during the current year and the current Educational Period. This statement will be sent to the mailing or e-mail address for the Judge listed on the Roll of Attorneys maintained by the Clerk. A Judge shall at all times keep his or her address and e-mail address current with the Roll of Attorneys. If the Judge has completed the minimum hours for the year or Educational Period, the statement will so reflect and inform the Judge that he or she is currently in compliance with the education requirements of the Rule. It shall not be a defense to noncompliance that a Judge has not received an annual statement. Additional statements will be provided to a Judge upon written request and a five dollar (\$5.00) fee made payable to the Continuing Legal Education Fund.

If the statement shows the Judge is deficient in educational hours, but the Judge believes he or she is in compliance for the year or Educational Period the Judge shall file a letter of explanation, a Sponsor certification of course attendance, a personal affidavit of attendance, and an application for course accreditation. All fees must be included with the submission. The documents required by this subsection shall be filed by December 31 of the year or Educational Period in question unless an extension of time to file the same has been granted by the Commission. When a Judge has resolved the above discrepancies, the Commission shall issue a statement showing that the Judge is in compliance with the Rule for the year or Educational Period. In the event

credit is not granted, the Judge shall have thirty (30) days after written notification of that fact to comply with the educational requirements or appeal the determination pursuant to Section 8. Failure to do so will result in referral to the Supreme Court for suspension.

- (b) If the statement incorrectly reflects that the Judge has completed the minimum hours for the year or the Educational Period, then it shall be the duty of the Judge to notify the Commission and to complete the educational requirements mandated by this Rule.

(c) All fees must be paid in order for a Judge to be considered in compliance with this Rule.

SECTION 7. SANCTIONS AND REINSTATEMENTS.

- (a) *Sanctions.* On January 1, a one-hundred fifty dollar (\$150.00) late fee accrues against each Judge who has not met his/her yearly or Educational Period requirements for the period ending December 31st of the previous year. On February 1 of each year the Commission shall mail or electronically transmit a notice assessing a one-hundred fifty dollar (\$150.00) late fee to those Judges who are shown as not having completed the yearly or Educational Period requirements. The Commission will consider the Judge delinquent for Continuing Judicial Education (CJE) until both certification of attendance at an approved program and payment of the late fee are received. Late fees and surcharges are to be deposited by the Commission immediately upon receipt. If the delinquent Judge has not fulfilled the yearly or Educational Period requirements at the time the Court issues an order suspending that Judge from office and the practice of law, the delinquency fee is forfeited. If the Judge is reinstated to the office and the practice of law pursuant to the provisions of this Section within one year of suspension, any forfeited late fee shall be credited toward the reinstatement fee. A one hundred dollar (\$100.00) surcharge will be added to the late fee for each consecutive year for which a Judge fails to timely comply with CJE requirements.

On May 1 of each year, a list of those Judges still failing to complete the yearly or Educational Period requirements will be submitted to the Supreme Court for immediate suspension from the practice of law and suspension from the office of judge. These Judges will suffer the suspension of their license to practice law and suspension from the office of ~~judge~~ Judge and all related penalties until they are reinstated.

- (b) *Reinstatement Procedures.* A Judge suspended shall be automatically reinstated upon petition to the Commission and payment of a two hundred dollar (\$200.00) reinstatement fee in addition to any applicable surcharge. The petition must demonstrate the petitioner's compliance according to the following reinstatement schedule:
 - (1) for a suspension of one (1) year or less the petitioner must, between the date of suspension and the date of the petition for reinstatement:
 - (i) complete the hours required to satisfy the deficiency which resulted in the suspension; and
 - (ii) complete six (6) additional hours of Approved Courses in a separate course or courses;
 - (2) for a suspension of more than one (1) year a petitioner must, between the date of suspension and the date of the petition for reinstatement:
 - (i) complete the hours required to satisfy the deficiency which resulted in the suspension;
 - (ii) complete thirty-six (36) hours of Approved Courses, twelve (12) hours of which must have been completed within the last twelve (12) month period prior to the date of the petition; and
 - (iii) begin a new Educational Period as of January 1st of the year of reinstatement pursuant to Section 3(a) of this Rule.

The Commission shall issue a statement reflecting reinstatement which shall also be sent to the Clerk to show on the Roll of Attorneys that the Judge is in good standing. A Judge suspended by the Supreme Court who continues to hold office or practice law shall be subject to sanctions by the Supreme Court.

Extensions to provide course attendance certifications for courses which were timely taken may be granted for good cause shown; extensions of time to complete educational requirements are not permitted except under Section 5 of this Rule. Providing or procuring of false certifications of attendance at educational courses shall be subject to appropriate discipline under the Admission and Discipline Rules. All fees must be paid in order for a Judge to be considered in compliance with this Rule.

SECTION 8. ~~APPEALS DISPUTES~~ REGARDING COMMISSION RECORDS.

Any Judge who disagrees with the records of the Commission in regard to the credits recorded for the Judge during the current year or Educational Period and is unable to resolve the disagreement pursuant to Section 6 of this Rule, may petition the Commission for a determination as to the credits to which the Judge is entitled. Petitions pursuant to this Section must be received by the Commission within thirty (30) days of the Commission's written notification that credit has not been granted and shall be considered by the Commission at its next regular or special meeting, provided that the petition is received by the Commission at least ten (10) business days before such meeting. The Judge filing the petition shall have the right to attend the Commission meeting at which the petition is considered and to present relevant evidence and arguments to the Commission. The rules of pleading and practice in civil cases shall not apply, and the proceedings shall be informal. The determination of the Commission shall be final as to the number of credits for the Judge and shall be appealable directly to the Supreme Court. In the event of a good faith dispute ~~which is not resolved~~ pursuant to this Section ~~6~~, the educational and reporting deadlines of this Rule shall be extended until thirty (30) days after the full Commission has ruled on the disputed issue, or if an appeal is taken, until thirty (30) days after the Supreme Court has ruled on the disputed issue.

SECTION 9. PETITIONS.

Any petition filed with the Commission pursuant to this Rule shall be in writing and shall be signed and verified by the Judge seeking relief. The petition shall be sent by registered or certified mail to the attention of the Executive Director at the Commission's offices at the address shown on the most recent statements or on the Commission's web page pursuant to Section 6 of this Rule.

SECTION 10. CONFIDENTIALITY.

Unless otherwise directed by the Supreme Court or by another court having jurisdiction, the files, records and proceedings of the Commission, as they may relate to or arise out of a Judge or Sponsor attempting to satisfy the continuing judicial educational requirements of this Rule shall be confidential and shall not be disclosed except in furtherance of the duties of the Commission or upon the request of the Judge or Sponsor affected.

SECTION 11. CONFLICT OF INTEREST.

A member, agent or administrator of the Commission shall abstain from participating in any decision involving a sponsor or provider of educational services of which he or she is an officer. A member, agent or administrator of the Commission shall not be an employee of an entity principally engaged in sponsoring or providing continuing legal education services.

Rule 29. Mandatory Continuing Legal Education

SECTION 1. PURPOSE.

The purpose of this Rule is to establish minimum continuing legal education requirements for each Attorney admitted to the Bar of the State of Indiana. The minimum continuing education

requirements for an Attorney who serves as a Judge in the State of Indiana shall be governed by the provisions of Admission and Discipline Rule 28.

SECTION 2. DEFINITIONS.

As used in this Rule:

- (a) *Approved Courses* shall mean those Substantive Legal Courses and those Non Legal Subject Matter Courses (as defined below) which are approved under the Commission's Accreditation Policies in the Guidelines to this Rule.
- (b) *Attorney* shall mean a person who has been admitted to practice law in the State of Indiana and whose name appears in the files of the Board of Law Examiners as provided under Admission and Discipline Rule 4. The term Attorney includes a state or federal administrative law judge.
- (c) *Bar* shall mean the Indiana Bar and includes those persons who are Attorneys under subsection (b) above.
- (d) *Business Day* shall mean Monday, Tuesday, Wednesday, Thursday, and Friday of each week but shall not include Federal or Indiana state holidays.
- (e) *Clerk* shall mean Clerk of the Indiana Supreme Court, Court of Appeals and Tax Court.
- (f) *Commission* shall mean the Indiana Commission For Continuing Legal Education created by Section 4 of this Rule.
- (g) *Commissioner* shall mean a person who is a member of the Commission.
- (h) *Educational Period* shall mean a three-year period during which an Attorney must complete thirty-six (36) hours of Approved Courses. Educational Periods shall be sequential, in that once an Attorney's particular three-year period terminates, a new three-year period and thirty-six hour minimum shall commence.
- (i) [Deleted, eff. January 1, 2011]
- (j) *Non Legal Subject Matter (NLS) Courses* shall mean courses that the Commission approves for Non Legal Subject Matter credit pursuant to Section 3(a) of this Rule because, even though they lack substantive legal content, they nonetheless enhance an attendee's proficiency in the attorney's practice of law.
- (k) *Supreme Court* shall mean the Supreme Court of the State of Indiana.
- (l) *Year* shall mean calendar year unless otherwise specified in this Rule.
- (m) *Professional Responsibility Credits* shall mean credits for topics that specifically address legal ethics or professional responsibility.
- (n) *Distance Education* shall mean instructional delivery that does not constrain the student to be physically present in the same location as the instructor and does not require an attendant at the learning site to monitor attendance.

SECTION 3. EDUCATION REQUIREMENTS.

- (a) Every Attorney, except as provided below, shall complete no less than six (6) hours of Approved Courses each year and shall complete no less than thirty-six (36) hours of Approved Courses each Educational Period. At least three (3) hours of Approved Courses in professional responsibility shall be included within the hours of continuing legal education required during each three year Educational Period. Such hours may be integrated as part of a substantive program or as a free standing program. No more than twelve (12) hours of the Educational Period requirement shall be filled by Non Legal Subject Matter Courses. No more than six (6) hours of the Educational Period requirement shall be filled through interactive Distance Education. No more than three (3) hours of the Educational Period requirement shall be filled through in-house

education programs in accordance with the Guidelines. All credits for a single educational activity will be applied in one (1) calendar year.

~~(b)~~ ~~[Deleted, eff. January 1, 2011]~~

~~(e)~~(b) Attorneys admitted to the Indiana Bar before December 31, 1998, on the basis of successfully passing the Indiana Bar examination, shall have a grace period of three (3) years commencing on January 1 of the year of admission and then shall commence meeting the minimum yearly and Educational Period requirements thereafter. Attorneys admitted after December 31, 1998, shall commence meeting the yearly and Educational Period requirements starting on January 1 after the year of their admission by completing programs designated by the Commission as appropriate for new lawyers.

For Attorneys admitted after December 31, 1998, at least six (6) of the thirty-six (36) Educational Period requirements shall be satisfied by attending an Applied Professionalism Program for Newly Admitted Attorneys which has been accredited by the Commission.

~~(e)~~(c) Attorneys admitted on foreign license or Attorneys who terminate their inactive status shall have no grace period. Their first three-year Educational Period shall commence on January 1 of the year of admission or termination of inactive status.

~~(e)~~ ~~[Deleted, eff. January 1, 2011]~~

~~(e)~~(d) In recognition of the nature of the work, commitment of time, and the benefit of Attorney participation in the Indiana General Assembly, during an Attorney's Educational Period, for each calendar year in which the Attorney serves as a member of the Indiana General Assembly for more than six (6) months, the Attorney's minimum number of continuing legal education hours for that Educational Period shall be reduced by six (6) hours.

SECTION 4. COMMISSION FOR CONTINUING LEGAL EDUCATION.

- (a) *Creation of the Commission.* A commission to be known as the Indiana Commission For Continuing Legal Education is hereby created and shall have the powers and duties hereinafter set forth. The Commission shall consist of eleven (11) Commissioners.
- (b) *Appointment of Commissioners and Executive Director.* All Commissioners and the Executive Director shall be appointed by the Supreme Court.
- (c) *Diversity of Commissioners.* It is generally desirable that the Commissioners be selected from various geographic areas and types of practice in order to reflect the diversity of the Bar and consideration should be given to the appointment of one (1) non-lawyer public member. The three (3) geographic divisions used for selecting Judges for the Indiana Court of Appeals in the First, Second and Third Districts may be used as a model for achieving geographic diversity.
- (d) *Terms of Commissioners.* Commissioners shall be appointed for five (5) year terms. All terms shall commence on January 1 and end on December 31. Any Commissioner who has served for all or part of two (2) consecutive terms shall not be reappointed to the Commission for at least three (3) consecutive years.

SECTION 5. ORGANIZATION OF THE COMMISSION.

- (a) *Election of Officers.* At the first meeting of the Commission after each ~~October~~ December 1, the Commissioners shall elect from the membership of the Commission a Chair who shall preside at all meetings, a Vice Chair who shall preside in the absence of the Chair, a Secretary who shall be responsible for giving notices and keeping the minutes of the meetings of the Commission and a Treasurer who shall be responsible for keeping the records of account of the Commission.

- (b) *Meetings.* The Commission shall meet at least twice each year at times and places designated by the Chair. The Chair, the Executive Committee or any six (6) Commissioners may call special meetings of the Commission.
- (c) *Notices.* The Secretary shall send notice of each meeting of the Commission, stating the purposes of the meeting, to all Commissioners at least five (5) business days before the meeting. Commissioners may waive notice of a meeting by attending the meeting or by delivering a written waiver to the Secretary either before or after the meeting.
- (d) *Quorum.* Six (6) Commissioners shall constitute a quorum for the transaction of business. The Commission shall act by a majority of the Commissioners constituting the quorum. Commissioners may participate in meetings of the Commission and committees thereof by telephone or other similar device.
- (e) *Vacancies.* Any vacancy on the Commission shall be filled as soon as practical and the new Commissioner so appointed shall serve out the unexpired term of the Commissioner being replaced.
- (f) *Executive Committee.* The officers of the Commission described in subsection (a) of this Section shall comprise the Executive Committee which shall have the power to conduct all necessary business of the Commission that may arise between meetings of the full Commission. Three (3) officers of the Commission shall constitute a quorum of the Executive Committee, and the Executive Committee shall act by a vote of a majority of the officers constituting the quorum. All action taken by the Executive Committee shall be reported to the full Commission at its next meeting.
- (g) *Other Committees.* The Commission may appoint such other committees having such powers and duties as the Commission may determine from time to time.

SECTION 6. POWERS AND DUTIES OF THE COMMISSION AND EXECUTIVE DIRECTOR.

- (a) In addition to the powers and duties set forth in this Rule or Rule 28, the Commission shall have the power and duty to:
 - (1) Approve all or portions of individual educational activities which satisfy the legal education requirements of this Rule.
 - (2) Approve Sponsors who meet the Requirements of Section 4 of the Commission's Guidelines and whose educational activities satisfy the legal education requirements of this Rule. The Judicial Conference and all seminars conducted by the Judicial Center shall be approved for credit.
 - (3) Determine the number of credit hours allowed for each educational activity.
 - (4) Establish an office to provide administrative and financial record-keeping support of the Commission and to employ such persons, sponsors, or providers as the Commission may in its discretion determine to be necessary to assist in administering matters solely of a ministerial nature under this Rule.
 - (5) Review this Rule and Commission Guidelines from time to time and make recommendations to the Supreme Court for changes.
 - (6) Upon approval of the Supreme Court publish proposed guidelines and procedures through West Publishing Company and Res Gestae and file the proposed guidelines and procedures with the Clerk.
 - (7) Impose fees with the prior approval of the Indiana Supreme Court.
 - ~~(7)~~(8) Provide quarterly financial reports and an annual report of the Commission activity to the Chief Justice of the Supreme Court. A proposed budget for the coming fiscal year (July 1-June 30) shall be submitted to the Chief Justice no later than May 1 of each year.

~~(8)(9)~~ Do all other things necessary and proper to carry out its powers and duties under this Rule.

~~(9)(10)~~ Perform all other duties as set forth in Indiana Admission and Discipline Rule 30 and the Indiana Alternative Dispute Resolution Rules.

- (b) In addition to the powers and duties set forth in this Rule, the Executive Director shall have the power and the duty to:
- (1) Administer the Commission's work.
 - (2) Appoint, with the approval of the Commission, such staff as may be necessary to assist the Commission to carry out its powers and duties under this Rule.
 - (3) Supervise and direct the work of the Commission's staff.
 - (4) Supervise the maintenance of the Commission's records.
 - (5) Enforce the collection of fees that attorneys, sponsors mediators and independent certifying organizations must pay pursuant to this Rule, Admission and Discipline Rule 28, Admission and Discipline Rule 30 and the Indiana Alternative Dispute Resolution Rules.
 - (6) Enforce the continuing legal education requirements of Judges and Attorneys under this Rule.
 - (7) Assist the Commission in developing guidelines.
 - (8) Perform such other duties as may be assigned by the Commission in the furtherance of its responsibilities hereunder.

SECTION 7. SOURCES AND USES OF FUNDS.

- (a) The Indiana Supreme Court shall periodically designate a portion of the registration fee charged to attorneys pursuant to Admission and Discipline Rule 2 to be used for the operations of the Commission on Continuing Legal Education. The Executive Director of the Commission shall deposit such funds into an account designated "Supreme Court Continuing Legal Education Fund."
- (b) Disbursements from the fund shall be made solely upon vouchers signed by or pursuant to the direction of the Chief Justice of this Court.
- ~~(c)~~ Attorneys, Judges, sponsors, mediators and independent certifying organizations may be required to pay fees with the prior approval of the Indiana Supreme Court.
- ~~(e)(d)~~ The Supreme Court shall specifically approve all salaries to be paid out of Continuing Legal Education Fund.
- ~~(e)(e)~~ Not later than May 1 of each year, the Commission shall submit for approval by the Supreme Court an operating budget for July 1 to June 30 of the following fiscal year.
- ~~(e)(f)~~ Commissioners shall be paid one hundred dollars (\$100) for each meeting of the Commission they attend and be reimbursed for expenses in accordance with guidelines established by the State of Indiana.

SECTION 8. EXEMPTIONS AND OTHER RELIEF FROM THE RULE.

- (a) An Attorney shall be exempted from the educational requirements of the Rule for such period of time as shall be deemed reasonable by the Commission upon the filing of a verified petition with the Commission and a finding by the Commission that special circumstances unique to the petitioning Attorney have created undue hardship. Subsequent exemptions may be granted.

~~(b) —[Deleted, eff. January 1, 2011]~~

- ~~(e)~~(b) An Attorney who is physically impaired shall be entitled to establish an alternative method of completing the educational requirements of this Rule upon the filing of a verified petition with the Commission and a finding by the Commission that the alternative method proposed is necessary and consistent with the educational intent of this Rule. Any petition filed under this subsection shall contain a description of the physical impairment, a statement from a physician as to the nature and duration of the impairment, a waiver of any privileged information as to the impairment, and a detailed proposal for an alternative educational method.
- ~~(e)~~(c) An Attorney shall be exempt from the educational and reporting requirements of this Rule if the Attorney has filed an affidavit of inactivity or a retirement affidavit under Section 21(b) of Rule 23 of the Supreme Court. An Attorney who has been inactive for less than a year, and desires to resume active status, shall complete any balance of his or her yearly Educational Period requirements as of the date of inactive status.
- ~~(e)~~(d) An Attorney who believes that he or she will be unable to make timely compliance with the educational requirements imposed by this Rule may seek relief from a specific compliance date by filing a verified petition with the Commission. The petition shall set forth reasons from which the Commission can determine whether to extend such compliance date. A petition seeking such an extension of time must be filed as much in advance of the applicable compliance date as the reasons which form the basis of the request afford. The Commission, upon receipt and consideration of such petition, shall decide if sufficient reasons exist, and may grant an extension for such period of time as shall be deemed reasonable by the Commission. In no event shall such an extension be granted beyond the time when the next compliance date, as required by the Rule, occurs.

SECTION 9. ANNUAL REPORTING TO ATTORNEYS~~AND JUDGES~~.

- (a) On or before September 1 of each year, the Commission shall mail or electronically transmit to each Attorney, a statement showing the Approved Courses which the Attorney e is credited on the records of the Commission with having attended during the current year and the current Educational Period. This statement will be sent to the mail or e-mail address for the Attorney listed on the Roll of Attorneys maintained by the Clerk. An Attorney shall at all times keep his or her mailing or e-mail address current with the Roll of Attorneys. If the Attorney has completed the minimum hours for the year or Educational Period, the statement will so reflect and inform the Attorney that he or she is currently in compliance with the education requirements of the Rule. It shall not be a defense to noncompliance that an Attorney has not received an annual statement. Additional statements will be provided to an Attorney upon written request and a five dollar (\$5.00) fee made payable to the Continuing Legal Education Fund.

If the statement shows the Attorney is deficient in educational hours, but the Attorney believes he or she is in compliance for the year or Educational Period the Attorney shall file a letter of explanation, a Sponsor certification of course attendance, a personal affidavit of attendance, and an application for course accreditation. All fees must be included with the submission. The documents required by this subsection shall be filed by December 31 of the year or Educational Period in question unless an extension of time to file the same has been granted by the Commission. When an Attorney has resolved the above discrepancies, the Commission shall issue a statement showing that the Attorney is in compliance with the Rule for the year or Educational Period. In the event credit is not granted, the Attorney shall have thirty (30) days after written notification of that fact to comply with the educational requirements or appeal the determination pursuant to Section 11. Failure to do so will result in referral to the Supreme Court for suspension.

- (b) If the statement incorrectly reflects that the Attorney has completed the minimum hours for the year or the Educational Period, then it shall be the duty of the Attorney to

notify the Commission and to complete the educational requirements mandated by this Rule.

(c) All fees must be paid in order for an Attorney to be considered in compliance with this Rule.

SECTION 10. SANCTIONS AND REINSTATEMENTS.

- (a) *Sanctions.* On January 1, a one hundred fifty dollar (\$150.00) late fee accrues against each Attorney who has not met his/her yearly or Educational Period requirements for the period ending December 31st of the previous year. On February 1 of each year the Commission shall mail or electronically transmit a notice assessing a one hundred fifty dollar (\$150.00) late fee to those Attorneys who are shown as not having completed the yearly or Educational Period requirements. The Commission will consider the Attorney delinquent for CLE until both certification of attendance at a CLE program and payment of the late fee are received. Late fees and surcharges are to be deposited by the Commission immediately upon receipt. If the delinquent Attorney has not fulfilled the yearly or Educational Period requirements at the time the Court issues an order suspending that Attorney, the delinquency fee is forfeited. If the Attorney is reinstated to the practice of law pursuant to the provisions of Admission and Discipline Rule 29(10) within one (1) year of suspension, any forfeited late fee shall be credited toward the reinstatement fee. A one hundred dollar (\$100.00) surcharge will be added to the late fee for each consecutive year for which an Attorney fails to timely comply with CLE requirements.

On May 1 of each year, a list of those Attorneys still failing to complete the yearly or Educational Period requirements will be submitted to the Supreme Court for immediate suspension from the practice of law. These Attorneys will suffer the suspension of their license to practice law and all related penalties until they are reinstated.

- (b) *Reinstatement Procedures.* An Attorney suspended shall be automatically reinstated upon petition to the Commission and payment of a two hundred dollar (\$200.00) reinstatement fee in addition to any applicable surcharge. The petition must demonstrate the petitioner's compliance according to the following reinstatement schedule:
- (1) for a suspension of one (1) year or less the petitioner must, between the date of suspension and the date of the petition for reinstatement:
 - (i) complete the hours required to satisfy the deficiency which resulted in the suspension; and
 - (ii) complete six (6) additional hours of Approved Courses in a separate course or courses;
 - (2) for a suspension of more than one (1) year a petitioner must, between the date of suspension and the date of the petition for reinstatement:
 - (i) complete the hours required to satisfy the deficiency which resulted in the suspension;
 - (ii) complete thirty-six (36) hours of Approved Courses, twelve (12) hours of which must have been completed within the last twelve (12) month period prior to the date of the petition; and
 - (iii) begin a new Educational Period as of January 1st of the year of reinstatement pursuant to Section 3(a) of this Rule.

The Commission shall issue a statement reflecting reinstatement which shall also be sent to the Clerk to show on the Roll of Attorneys that the Attorney is in good standing. An Attorney suspended by the Supreme Court who continues to practice law shall be subject to the sanctions for the unauthorized practice of law.

Extensions to provide course attendance certifications for courses which were timely taken may be granted for good cause shown; extensions of time to complete educational requirements are not permitted except under Section 8 of this Rule. Providing or procuring of false certifications of attendance at educational courses shall be subject to appropriate discipline under the Admission and Discipline Rules.

SECTION 11. APPEALS ~~DISPUTES~~ REGARDING COMMISSION RECORDS.

Any Attorney who disagrees with the records of the Commission in regard to the credits recorded for the Attorney during the current year or Educational Period and is unable to resolve the disagreement pursuant to Section 9 of this Rule, may petition the Commission for a determination as to the credits to which the Attorney is entitled. Petitions pursuant to this Section must be received by the Commission within thirty (30) days of the Commission's written notification that credit has not been granted and shall be considered by the Commission at its next regular or special meeting, provided that the petition is received by the Commission at least ten (10) business days before such meeting. The Attorney filing the petition shall have the right to attend the Commission meeting at which the petition is considered and to present relevant evidence and arguments to the Commission. The rules of pleading and practice in civil cases shall not apply, and the proceedings shall be informal. The determination of the Commission shall be final as to the number of credits for the Attorney and shall be appealable directly to the Supreme Court. In the event of a good faith dispute ~~which is not resolved~~ pursuant to this Section ~~9~~, the educational and reporting deadlines of this Rule shall be extended until thirty (30) days after the full Commission has ruled on the disputed issue, or if an appeal is taken, until thirty (30) days after the Supreme Court has ruled on the disputed issue.

SECTION 12. PETITIONS.

Any petition filed with the Commission pursuant to this Rule shall be in writing and shall be signed and verified by the Attorney seeking relief. The petition shall be sent by registered or certified mail to the attention of the Executive Director at the Commission's offices at the address shown on the most recent statements or Commission's web page pursuant to Section 9 of this Rule.

SECTION 13. CONFIDENTIALITY.

Unless otherwise directed by the Supreme Court or by another court having jurisdiction, the files, records, and proceedings of the Commission, as they may relate to or arise out of an Attorney, Mediator, or Sponsor attempting to satisfy the continuing legal educational requirements of this Rule, or the requirements of the Indiana Alternative Dispute Resolution Rules shall be confidential and shall not be disclosed except in furtherance of the duties of the Commission or upon the request of the Attorney, Mediator, or Sponsor affected.

SECTION 14. CONFLICT OF INTEREST.

A member, agent or administrator of the Commission shall abstain from participating in any decision involving a sponsor or provider of educational services of which he or she is an officer. A member, agent or administrator of the Commission shall not be an employee of an entity principally engaged in sponsoring or providing continuing legal education services.

Mandatory Continuing Legal Education and Mandatory Judicial Education Guidelines

SECTION 1. AUTHORITY AND PUBLICATION OF GUIDELINES.

These guidelines have been adopted by the Court under Section 4 of Rule 28 and Section 6(a) of Rule 29 in furtherance of the efficient discharge of the Commission's duties.

The Commission shall:

- (a) file a copy of these guidelines with the Clerk;
- (b) cause these guidelines to be published from time to time as revised in a pamphlet, brochure, or the Internet along with the full text of the Rule 28 and 29 and any other

materials deemed useful by the Commission in assisting Attorneys, Judges, and Sponsors to understand and comply with the Rule;

- (c) cause these guidelines and the full text of the Rules to be sent to the West Publishing Company of St. Paul, Minnesota, with a request that they be published in the *Northeast Reporter*; and
- (d) cause these guidelines and the full text of the Rules to be sent to the Editors of *Res Gestae* with a request that they be published.

SECTION 2. DEFINITIONS.

All of the definitions found in Section 2 of the Rule 28 and 29 are applicable in these guidelines. In addition, as used in these guidelines:

- (a) *Approved Courses* means any course, approved by the Commission under Section 3 of these Guidelines, or conducted by an Approved Sponsor which meets the requirements of Section 3 of these Guidelines.
- (b) *Approved Sponsor* means any person approved under Section 4 of these Guidelines.
- (c) *Course* means any educational seminar, institute, or program which is designed to contribute to the continuing legal education of Attorneys and the continuing judicial and legal education of Judges.
- (d) *Enroll* means registration for and attendance at a course.
- (e) *Person* means an individual, partnership, corporation, or any other organization.
- (f) *Rule* means Admission and Discipline Rule 28 on Mandatory Continuing Judicial Education and Admission and Discipline Rule 29 on Mandatory Continuing Legal Education.
- (g) *Sponsor* means a Person who conducts or presents a course.
- (h) *Application* means a completed application form, with all required attachments and fees, signed and dated by the applicant.
- (i) *Received, in the context of an application, document(s), and/or other item(s) which is or are requested by or submitted to the Commission, means delivery to the Commission; mailed to the Commission by registered, certified or express mail return receipt requested or deposited with any third-party commercial carrier for delivery to the Commission within three (3) calendar days, cost prepaid, properly addressed. Sending by registered or certified mail and by third-party commercial carrier shall be complete upon mailing or deposit.*

SECTION 3. ACCREDITATION POLICIES.

- (a) *Approval of Courses.*

The Commission shall approve the course if it determines that the course will make a significant contribution to the professional competency of Attorneys or Judges who enroll. In determining if a course meets this standard the Commission shall consider whether:

- (1) the course has substantial legal content.
- (2) the course has substantial judicial content and constitutes an organized program of learning which contributes directly to the professional competency of a Judge.
- (3) the course deals with matters related directly to the practice of law or the professional responsibility of Attorneys or Judges.

- (4) the course pertains to subject matter having significant intellectual or practical content relating to the administration of justice, the adjudication of cases, the management of case or court operations by a Judge, or to the education of Judges with respect to their professional or ethical obligations.
 - (5) each faculty member who has teaching responsibility in the course is qualified by academic work or practical experience to teach the assigned subject.
 - (6) the physical setting for the course is suitable, including the availability of a writing surface and accessibility to persons with disabilities.
 - (7) high quality written materials including notes and outlines are available at or prior to the time the course is offered to all Attorneys or Judges who enroll.
 - (8) the course is of sufficient length to provide a substantial educational experience. Courses of less than one (1) hour will be reviewed carefully to determine if they furnish a substantial educational experience.
 - (9) there are live presentations; or there is a licensed Indiana Attorney, whose function shall be to certify attendance to accompany the replaying of tapes.
 - (10) the applicant has sufficiently identified those portions of a seminar that should be accredited. It shall be the duty of an applicant to apply separately for accreditation of the legal portions of a seminar, where the substance of a seminar is not entirely legal. The Commission may deny accreditation for an entire program where separate application is not made and where a significant portion of the program is not continuing legal education.
 - (11) the course is designed for and targeted to Attorneys or Judges.
 - (12) any attendance restrictions are grounded in a bona fide educational objective to enhance the Continuing Judicial Education or Continuing Legal Education activity. The Commission may deny accreditation to any course that restricts or that a reasonable person would perceive to restrict attendance based upon a classification protected by Indiana state law, federal law or by the Indiana Rules of Professional Conduct.
- (b) *Approval of Other Educational Activities.*
- (1) Credit may be given for the following legal subject matter courses:
 - (i) *Law School Courses.* An Attorney or Judge who attends a regularly conducted class at a law school approved by the American Bar Association. The number of credits may not exceed twenty-four (24) hours for a single law school activity.
 - (ii) *Bar Review Courses.* An Attorney or Judge who completes a bar review course may apply for continuing legal education credit. The number of credits may not exceed twenty-four (24) hours for the course.
 - (iii) *Commission-Accredited Basic Mediation Training Course.* An Attorney or Judge who completes a basic mediation training course approved by the Commission for mediation training shall receive twenty-four (24) hours.
 - (iv) *Court Administration Courses.* Courses directed at improving docket management and court administration shall be approved.
 - (v) *Ethics Concentrated Law Firm Management Courses.* An Attorney or Judge who attends a law firm management course with a concentration on: Trust accounting, ethical client contact, and ethical use of staff and resources, may apply for credit. Any portion of the course dealing with marketing of services or profit enhancement will be denied credit.

- (vi) *Teaching Approved Courses.* An Attorney or Judge who participates as a teacher, lecturer, panelist, or author in an approved course will receive credit for:
 - (A) Four (4) hours of either approved continuing legal education or continuing judicial education, as applicable, for every hour spent in presentation.
 - (B) One (1) hour of either continuing legal education credit or continuing judicial education, as applicable, for every four (4) hours of preparation time (up to a maximum of six (6) hours of credit) for a contributing author who does not make a presentation relating to the materials prepared.
 - (C) One (1) hour of either approved continuing legal education or continuing judicial education, as applicable, for every hour the Attorney or Judge spends in attendance at sessions of a course other than those in which the Attorney or Judge participates as a teacher, lecturer or panel member.
 - (D) Attorneys or Judges will not receive credit for acting as a speaker, lecturer, or panelist on a program directed to non-attorneys.
- (2) Subject to the 12-hour limitation set forth in Rule 28, Section 3(b) and Rule 29, Section 3(a) and the 18-hour limitation set forth in Rule 28, Section 3(a), credit may also be given for Non Legal Subject Matter (NLS) Courses.
 - (i) *Sponsor Applications for NLS Course Approval.* A sponsor may apply for and receive accreditation of an NLS course. An NLS course may be approved without reference to Section 3(a)(1) of these guidelines. The following is a non-exclusive list of courses that may be accredited under this section:
 - (A) *Law Firm Management Courses.* A Sponsor may apply for accreditation of a law office management course that does not meet the criteria of (b)(1)(v) Ethics Concentrated Law Firm Management courses (above). To be accredited, the course must deal with law firm management as opposed to office management in general. Further, the course must be directed to Attorneys or law office administrators. Any portions of the course dealing mainly with profit enhancement or marketing of services will be denied credit.
 - (B) *Medicine.* Orthopaedics or Anatomy for Lawyers.
 - (C) *Accounting for Lawyers.*
 - (D) *Teaching Administration Skills for Law School Teachers.*
 - (E) *Wellness Courses specifically targeted to Attorneys and Judges.*
 - (ii) *Attorney Application for NLS Course Approval.* In addition, individual Attorneys and Judges may apply for NLS credit for a course that does not deal with matters directly related to the practice of law. NLS credit may be approved without reference to Sections 3 (a)(1), (3), and (11) of these guidelines if the course directly related to a subject matter directly applicable to the applicant's practice. The following are non-exclusive examples of courses for which individual credit may be awarded under this provision:
 - (A) Courses in anatomy or other fields of medicine, when credit is sought by an Attorney whose practice includes medical malpractice.
 - (B) Courses in construction, engineering, or architecture, when credit is sought by an Attorney whose practice includes construction contracting or litigation.

- (C) Courses in financial planning, when credit is sought by an Attorney whose practice includes estate planning.
- (3) Professional Responsibility Credit shall be given when a topic has professional responsibility or ethics as its main focus, and the course has at least one-half (1/2) hour of professional responsibility content.
- (i) An Approved Sponsor must separately designate Professional Responsibility Credits when certifying attendance to the Commission.
- (ii) A Non-Approved Sponsor must separately request Professional Responsibility Credits on an application provided by the Commission.
- (4) *Approved In-house education.* In-house programs include those primarily designed for the exclusive benefit of Attorneys employed by a private organization or law firm. In-house programs also include those programs presented only to those Attorneys and/or their clients, even if the program was not designed for those Attorneys. Attorneys within related companies are considered to be employed by the same organization or law firm for purposes of this Rule. In-house education programs may become approved where the education is provided by a Judge, Attorney or Sponsor of legal education who is not a member, employee or acting of counsel of the participating organization or law firm. In-house CLE is subject to the following limitations and requirements:
- (i) Limited credit may be given for courses taught in-house. Non-governmental or non-academic Attorneys may report up to three (3) hours per three-year educational period for in-house programs that have been accredited by the Commission. Governmental or academic Attorney employees may receive unlimited CLE for these courses sponsored by their employers for the exclusive benefit of their Attorney employees.
- (ii) To be accredited, the Attorney or Sponsor must apply for accreditation at least thirty (30) days before the course is presented, using an Application for Accreditation. Additionally, the Sponsor or Attorney must demonstrate the facts set forth in paragraph 6 below.
- (5) *Distance education courses.* Limited credit may be given for courses taken through distance education methods. Subject to the six (6) hour limitation found in Rule 28, Section 3(b) and Rule 29, Section 3(a) and the nine (9) hour limitation found in Rule 28, Section 3(a), an Attorney or Judge may receive CLE or CJE through interactive distance education during an educational period. To be accredited, the Attorney, Judge or Sponsor must apply for accreditation at least 30 days before the course is presented using an Application for Accreditation. Additionally, the Sponsor, Attorney or Judge must demonstrate the facts set forth in paragraph 6 below.
- (6) *Accreditation of in-house and distance education courses.* The Sponsor, Attorney, or Judge must demonstrate that:
- (i) the course is designed for and targeted to Attorneys or Judges;
- (ii) continuing attendance is monitored and evidence of continuing attendance and/or participation is provided by the Sponsor to the Commission in conformance with such guidelines as the Commission may develop. In the case of distance education, the sponsor or Attorney must provide evidence that attendance is monitored by randomly polling or testing of participants during the program to ensure their participation;
- (iii) the Sponsor will provide a certificate of continuing attendance to the Commission;

- (iv) in content and style the program meets standards of educational quality as determined by the Commission;
 - (v) in the case of distance education courses, meaningful technical assistance will be provided at times and in ways reasonable to the attendee;
 - (vi) the course has substantial legal or judicial content (non legal subject credit is not available through in-house programs);
 - (vii) the course deals with matters related directly to the practice of law, management or administration of court, the adjudication of cases, or the professional responsibility of Attorneys or Judges;
 - (viii) each faculty member who has teaching responsibility in the course is qualified by academic work or practical experience to teach the assigned subject;
 - (ix) high quality written materials are available either through paper format or electronic format to accompany the instruction either at or prior to the time the course is offered;
 - (x) in the case of distance education courses, the program is not text-based;
 - (xi) in the case of distance education courses, either audio or video or both are provided; and,
 - (xii) the Sponsor will allow the Commission and its Executive Director or designated appointee to audit the course for regulation purposes.
- (7) Credit will be denied for the following activities:
- (i) Legislative, lobbying or other law-making activities; and,
 - (ii) Self-study activities. Courses or activities completed by self-study will be denied credit unless approved under Section 8(c) of this rule.
- (c) **Procedure for Sponsors.** Any Sponsor may apply to the Commission for approval of a course. The application must:
- (1) be ~~submitted to~~received by the Commission at least thirty (30) days before the first date on which the course is to be offered; The applicant must include the nonrefundable application fee in order for the application to be reviewed by the Commission.
Courses presented by non-profit sponsors which do not require a registration fee are eligible for an application fee waiver.
Courses presented by bar associations, Indiana Continuing Legal Education Forum (ICLEF) and government or academic entities will not be assessed an application fee, but are subject to late processing fees.
Applications received less than 30 days before a course is presented must also include a late processing fee in order to be processed by the Commission.
Either the provider or the attendee must pay all application and late processing fees before an attorney may receive credit.
Fees may be waived in the discretion of the Commission upon a showing of good cause.
 - (2) contain the information required by and be in the form approved by the Commission and available upon request; and

- (3) be accompanied by the written course outline and brochure used to furnish information about the course to Attorneys or Judges.
- (d) **Procedure for Attorneys and Judges.** Except for Distance Education and In-house courses, aAn Attorney or Judge may apply for credit of a course either before or after the date on which it is offered. Application for accreditation of a distance education course or in-house course must be ~~made~~received at least 30 days prior to the Course. The application must:
- (1) Include the nonrefundable application fee in order for the application to be reviewed by the Commission. Courses presented by non-profit sponsors which do not require a registration fee are eligible for an application fee waiver.
 - Either the provider or the attendee must pay all application and late fees before an attorney may receive credit.
 - Fees may be waived in the discretion of the Commission upon a showing of good cause.
 - ~~(+)(2)~~ contain the information required by and be in the form set forth in the application approved by the Commission and available upon request;
 - ~~(2)(3)~~ be accompanied by the written course outline and brochure used by the Sponsor to furnish information about the course to Attorneys or Judges; and
 - ~~(3)(4)~~ be accompanied by an affidavit of the Attorney or Judge attesting that the Attorney or Judge attended the course together with a certification of the course Sponsor as to the Attorney's or Judge's attendance. If the application for course approval is made before attendance, this affidavit and certification requirement shall be fulfilled within thirty (30) days after course attendance. Attendance reports received more than thirty (30) days after the conclusion of a course must include a late processing fee.
 - Course applications received more than one year after a course is presented may be denied as untimely.
- (e) **Executive Director's Discretionary Powers.** The Executive Director of the Indiana Commission for Continuing Legal Education may use discretion in waiving the 30-day pre-program application requirements ~~of b (4) (b), b (5), and (d) of Section 3~~ of these Guidelines upon a showing of good cause by the applicant and may waive application or late processing fees.

SECTION 4. APPROVAL OF SPONSORS.

- (a) **Procedure.** A Person may apply to the Commission for approval as a Sponsor of continuing legal or judicial education activity. The application submitted to the Commission must contain the information required by and be in the form approved by the Commission and available upon request in the Commission office. A Person becomes an Approved Sponsor when the Commission places a Person's name on the list of Approved Sponsors.
- (b) **Standard for Approval.** The Commission shall approve the Person as a Sponsor if the Commission finds that the Person has conducted and is prepared to conduct on a regular basis programs which, if considered on an individual basis, would satisfy the standards for course approval set out in Section 3(a) of these Guidelines.

In order to determine whether a Sponsor should be granted Approved Sponsor status, the Commission may consider the following:

- (1) Whether the Sponsor has presented a minimum of an average of five (5) Approved Courses per year for the previous three (3) years.
- (2) Whether the courses within the previous three (3) years were substantively legal or judicial in nature and primarily targeted to Attorneys or Judges.

- (3) Whether the Sponsor has observed Commission Rules, Guidelines and Policies with regard to advertising, application requirements and attendance reporting.
 - (4) Whether courses within the previous three (3) years were high quality and advanced the education of Attorneys or Judges.
 - (5) Whether the Sponsor has substantially complied with requests from the Commission.
 - (6) Whether courses have been denied accreditation by the Commission during the previous three (3) years and the reasons for the denials.
- (c) **Review of Approved Sponsors.** The Commission shall periodically audit Approved Sponsors. If the Person fails to conduct approvable courses on a regular basis, the Person shall be removed from the Commission's list of Approved Sponsors. In order to remain an Approved Sponsor, a Sponsor must certify to the Commission the name and attorney number of all Indiana Attorneys and Judges who attend any Continuing Legal Education Program or Continuing Judicial Education Program.
- (d) **Presumption of Course Accreditation.** Courses presented by an Approved Sponsor are presumed to satisfy the education requirements of Section 3 of Rule 28 and Rule 29; provided however, courses which do not meet requirements of Section 3(a) of these Guidelines will be denied credit. Approved Sponsors must seek approval of courses of less than one (1) hour duration under Section 3 of these Guidelines.

(e) Fees. Approved sponsors need not pay application fees. Approved sponsors must pay a late processing fee for attendance reports received more than thirty (30) days after conclusion of a course.

SECTION 5. PROCEDURE FOR ~~APPEALS~~RESOLVINGDISPUTES.

Any Person who disagrees with a decision of the Commission and is unable to resolve the disagreement informally, may petition the Commission for a resolution of the dispute. Petitions pursuant to this Section must be received by the Commission within thirty (30) days of the Commission's written notification giving rise to the disagreement and shall be considered by the Commission at its next regular meeting, provided that the petition is received by the Commission at least ten (10) business days before such meeting. The Person filing the petition shall have the right to attend the Commission meeting at which the petition is considered and to present relevant evidence and arguments to the Commission. The rules of pleading and practice in civil cases shall not apply, and the proceedings shall be informal as directed by the Chair. The determination of the Commission shall be final subject to appeal directly to the Supreme Court.

SECTION 6. CONFIDENTIALITY.

Filings with the Commission shall be confidential. These filings shall not be disclosed except in furtherance of the duties of the Commission or upon the request, by the Attorney, Judge or Sponsor involved, or as directed by the Supreme Court.

SECTION 7. RULES FOR DETERMINING EDUCATION COMPLETED.

- (a) **Formula.** The number of hours of continuing legal or judicial education completed in any course by an Attorney or Judge shall be computed by:
- (1) Determining the total instruction time expressed in minutes;
 - (2) Dividing the total instruction time by sixty (60); and
 - (3) Rounding the quotient up to the nearest one-tenth (1/10).

Stated in an equation the formula is:

$$\frac{\text{Total Instruction Time (in minutes)}}{\text{Sixty (60)}} = \text{Hours completed (rounded up to nearest } \frac{1}{10} \text{)}$$

- (b) **Instruction Time Defined.** Instruction time is the amount of time when a course is in session and presentations or other educational activities are in progress. Instruction time does not include time spent on:

- (1) Introductory remarks;
- (2) Breaks; or
- (3) Business meetings.

SECTION 8. REPORT OF SPONSOR.

The Sponsor shall, within thirty (30) days after the course is presented, submit to the Commission an alphabetical list including attorney numbers of all Attorneys admitted in Indiana and Indiana Judges who have attended the course. This list shall be certified by the Sponsor and include the hours to be credited to each Attorney and Judge for attendance and speaking. Attendance reports received more than thirty (30) days after the conclusion of a course must include a late processing fee.

If the course is presented by an Approved Sponsor under Section 4 of these Guidelines, the Sponsor shall submit a copy of the outline and brochure by which information about the program was furnished to Attorneys or Judges.

SECTION 9. USE OF THE OFFICIAL LEGEND OF THE COMMISSION.

- (a) **Legend of the Commission.** The Commission has adopted the official legend set forth in subsection (c) of this Section as a symbol of approval of continuing legal education activity. This legend is the subject of copyright and may not be used in advertisement or publicity for a course unless the Sponsor complies with the requirements of subsection (b) of this Section.
- (b) A Sponsor of Approved Courses may use the legend set forth in subsection (c) of this Section if the Sponsor agrees to report hours of credit and submit materials under Section 8 of these Guidelines.
- (c) This legend which may be utilized by Sponsors is:

THIS COURSE HAS BEEN APPROVED BY THE COMMISSION FOR CONTINUING LEGAL EDUCATION OF THE STATE OF INDIANA. ATTORNEYS OR JUDGES WHO COMPLETE THIS COURSE SHALL RECEIVE

1. ____ HOURS OF SUBSTANTIVE CONTINUING EDUCATION, INCLUDING ____ HOURS OF ETHICS, OR

2. ____ HOURS OF NLS CONTINUING EDUCATION HOURS

UNDER INDIANA SUPREME COURT ADMISSION AND DISCIPLINE RULE 29 ON MANDATORY CONTINUING LEGAL EDUCATION AND/OR ADMISSION AND DISCIPLINE RULE 28 ON MANDATORY CONTINUING JUDICIAL EDUCATION. THE SPONSOR OF THIS COURSE IS OBLIGATED TO REPORT THE HOURS OF CONTINUING EDUCATION COMPLETED BY AN ATTORNEY OR JUDGE.